

ASSEMBLY BILL

No. 780

Introduced by Assembly Member Chu

February 18, 2005

An act to amend Section 11125.1 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 780, as introduced, Chu. Public meetings: Franchise Tax Board.

The Bagley–Keene Open Meeting Act generally requires that all meetings of a state body be open and public. Writings that are public records and are distributed to members of the state body prior to or during a public meeting, pertaining to any item to be considered during the public meeting, are required to be made available for public inspection, and any person may attend any public meeting of a state body, as provided. Existing law also provides that, prior to a state body taking a final action on any item of the Franchise Tax Board, any writings, as defined, which pertain to that item be made available to the public, as specified, to the extent that those writings are public records and are distributed by the Franchise Tax Board staff or individual members to the members of the state body.

This bill would specify that those writings must be not only distributed, but also prepared by the Franchise Tax Board staff or individual members of that board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11125.1 of the Government Code is amended to read:

11125.1. (a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and other writings, when distributed to all, or a majority of all, of the members of a state body by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, or 6254.7 of this code, or Section 489.1 or 583 of the Public Utilities Code.

(b) Writings that are public records under subdivision (a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by a person with a disability.

(c) In the case of the Franchise Tax Board, prior to that state body taking final action on any item, writings pertaining to that item that are public records under subdivision (a) that are *prepared and distributed by the Franchise Tax Board staff or individual members* to members of the state body ~~by board staff or individual members~~ prior to or during a meeting shall be:

(1) Made available for public inspection at that meeting.

(2) Distributed to all persons who request notice in writing pursuant to subdivision (a) of Section 11125.

(3) Made available on the Internet.

(d) Prior to the State Board of Equalization taking final action on any item that does not involve a named tax or fee payer, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by board staff or

1 individual members to members of the state body prior to or
2 during a meeting shall be:

3 (1) Made available for public inspection at that meeting.

4 (2) Distributed to all persons who request or have requested
5 copies of these writings.

6 (3) Made available on the Internet.

7 (e) Nothing in this section shall be construed to prevent a state
8 body from charging a fee or deposit for a copy of a public record
9 pursuant to Section 6253, except that no surcharge shall be
10 imposed on persons with disabilities in violation of Section 202
11 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec.
12 12132), and the federal rules and regulations adopted in
13 implementation thereof. The writings described in subdivision

14 (b) are subject to the requirements of the California Public
15 Records Act (Chapter 3.5 (commencing with Section 6250) of
16 Division 7 of Title 1), and shall not be construed to limit or delay
17 the public's right to inspect any record required to be disclosed
18 by that act, or to limit the public's right to inspect any record
19 covered by that act. This section shall not be construed to be
20 applicable to any writings solely because they are properly
21 discussed in a closed session of a state body. Nothing in this
22 article shall be construed to require a state body to place any paid
23 advertisement or any other paid notice in any publication.

24 (f) "Writing" for purposes of this section means "writing" as
25 defined under Section 6252.